

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C. A. No. 04-10258 NG

ARTHUR PERNOKAS and
DIANNE PERNOKAS,

Plaintiffs

v.

BARRIE PASTER, MD,

Defendant

AMENDED JOINT SCHEDULING STATEMENT

Pursuant to a request from the Court, Plaintiffs Arthur Pernokas and Dianne Pernokas, and Defendant Barrie Paster, MD hereby file this Amended Joint Scheduling Statement under Fed. R. Civ. P. 16(b) and Local Rule 16.1.

Introduction

The case was transferred to state court to convene a medical malpractice tribunal pursuant to G.L. c. 231, §60B. On November 19, 2004 the tribunal found in the plaintiffs' favor. Subsequently, the case was transferred back to the federal district court. Counsel for the parties had conferred prior to the scheduling conference and agreed upon the following issues to be discussed at the scheduling conference: transfer of the case to state court to convene a medical malpractice tribunal pursuant to G.L. c. 231, §60B; a proposed pre-trial schedule including a plan for discovery; and the parties' willingness to consent to trial before a magistrate judge. Since the proposed pre-trial schedule was predicated on the date for the convening of the tribunal, and since the tribunal has been convened, the dates may be amended as follows:

Proposed Pre-Trial Schedule

1. All discovery requests completed within: May 19, 2005
2. All depositions completed within: November 19, 2005
3. Plaintiff's expert reports due within: December 19, 2005
4. Defendant's expert reports due within: January 19, 2006

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| 5. | Expert depositions completed within: | February 19, 2006 |
| 6. | All motions under Fed. R. Civ. P. 56 filed within: | March 19, 2006 |
| 7. | All non-dispositive motions filed within: | April 3, 2006 |
| 8. | Settlement Conference, Final Pre-Trial Conference
and Trial Date: | TBA by the Court |

Consent to Trial by Magistrate

The parties do not consent to trial by magistrate.

Respectfully,

The Plaintiffs,
Arthur Pernokas and Dianne Pernokas,
By their Attorney,

The Defendant,
Barrie Paster, MD,
By his Attorney,

/s/ Robert C. Gabler, Esq.

/s/ Charles P. Reidy, III, Esq.

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March 14, 2005